## REMARKS/ARGUMENTS

Claims 1-22 are pending in the present application. Claims 1, 2, 5, 6, 9, 15, 18, 19, 21 and 22 are amended. Support for the amendment to claims 1, 9, 15 and 21 can be found in the specification on page 8, lines 3-5; page 10, lines 22-26; and Figure 2, step 208. Claims 2, 5, 6, 18, 19, and 22 were amended to correct a purely typographical error unrelated to the patentability of the claims. Support for the amendment to claims 5, 12, and 18 can be found in the specification on page 9, lines 27-28 and Figure 2, step 200. Claims 11-13 have been canceled.

Claims 23-25 have been added. Support for claim 23 can be found in the specification on page 8, lines 4-5. Support for claim 24 can be found in the specification on page 8, lines 1-3. Support for claim 25 can be found in the specification on page 10, lines 23-25. Reconsideration of the claims is respectfully requested.

### I. 35 U.S.C. § 102, Anticipation, Claims 1, 3, 5, 7, 9, 15, 16, 18 and 21

The Examiner rejects claims 1, 3, 5, 7, 9, 15, 16, 18 and 21 under 35 U.S.C. § 102 as anticipated by *Lapierre*, Censoring Assembly Adapted For Use With Closed Caption Television, U.S. Patent No. 6,075,550 (hereinafter "*Lapierre*"). This rejection is respectfully traversed.

The Examiner states:

> With respect to claim 1, Lapierre teaches the claimed "identifying text in the subtitles in the multimedia program data to generate a set of text" by disclosing a closed caption decoding device 300 that separates the closed caption portion of a video signal and generates a text data signal (col.2, lines 47-50; col. 3, lines 14-24 and Fig. 1 & 2). The claimed "analyzing the set of text to form an analysis; identifying a portion of the multimedia program data that should be altered based on the analysis to form an identified portion; and altering the identified portion" is met by the disclosure of a censoring device 400 that performs an analysis on the text data signal, identifies an objectionable word, and alters the text or the audio accordingly (col. 2, lines 50-54; col. 3, lines 33-42; col. 5, lines 33-56 and Fig. 1 & 2).

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Amended claim 1 is as follows:

> 1. A method in a data processing system for processing multimedia program data, the method comprising:
>
> identifying text in the subtitles in the multimedia program data to generate a set of text;
>
> analyzing the set of text to obtain a rating;
>
> identifying a portion of the multimedia program data that should be altered based on the rating to form an identified portion; and

altering the identified portion.

A prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. *In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990). All limitations of the claimed invention must be considered when determining patentability. *In re Lowry*, 32 F.3d 1579, 1582, 32 U.S.P.Q.2d 1031, 1034 (Fed. Cir. 1994). Anticipation focuses on whether a claim reads on the product or process a prior art reference discloses, not on what the reference broadly teaches. *Kalman v. Kimberly-Clark Corp.*, 713 F.2d 760, 218 U.S.P.Q. 781 (Fed. Cir. 1983). In this case each and every feature of the presently claimed invention is not identically shown in the cited reference, arranged as they are in the claims.

*Lapierre* does not anticipate amended claim 1 because *Lapierre* does not teach the features of, "analyzing the set of text to obtain a rating," and "identifying a portion of the multimedia program data that should be altered based on the rating to form an identified portion," as recited in amended claim 1. In fact, *Lapierre* specifically teaches against the use of a rating system as stated in the cited portion below:

> A still further advantage of the present invention is to provide a novel censoring assembly for removing objectionable language from the closed caption and audio portions of programming displayed on a television that results in only the narrow objectionable portions of the programming being censored, rather than entire programs being censored, and which does not depend on a rating system, such as G, PG, R, etc.

*Lapierre*, column 2, lines 14-21 and restated on column 6, lines 32-39.

As stated in the above cited portion, *Lapierre* teaches away from the use of a rating system. Therefore, *Lapierre* also does not suggest the features of amended claim 1. Accordingly, *Lapierre* does not anticipate amended claim 1.

Claims 9, 15, and 21 recite similar amendments as presented in claim 1. Thus, the same distinctions between *Lapierre* vis-à-vis claim 1 apply to claims 9, 15, and 21. Additionally, because claims 3, 5, 7, 16, and 18 depend from claims 1, 9, and 15, respectively, *Lapierre* also does not anticipate these claims. Consequently, Applicants respectfully urge that the rejection of claims 1, 3, 5, 7, 9, 15, 16, 18, and 21 under 35 U.S.C. § 102 has been overcome.

## II. 35 U.S.C. § 102, Anticipation, Claims 8, 14, 20 and 22

The Examiner rejects claims 8, 14, 20 and 22 under 35 U.S.C. § 102 as anticipated by *Safadi* et al., Methods and Apparatus for the Provision of User Selected Advanced Close Captions, U.S. Patent No. 7,050,109 (hereinafter "*Safadi*"). This rejection is respectfully traversed. The Examiner states:

With respect to claims 8, the claimed "decoding the multimedia program to form decoded multimedia program data; analyzing a portion of the multimedia data; determining whether readability of a subtitle in the portion of the multimedia program data needs improvement; and responsive to the readability of the subtitle in the portion in the portion of the multimedia program data needing improvement, performing color correction on part of the multimedia program data containing the subtitle to improve readability of the subtitle" is met by processor 20 that extracts the closed caption portion of a television signal 10, analyzes it according to user selected attributes 12 and determines whether to change one or more of its attributes such as font size, font type, font color, background color, etc. by the use of closed caption driver 30 (fig. 2, col. 2, lines 46-53 and col. 4, lines 18-23).

Office Action dated September 19, 2007, page 6.

Claim 8 is representative of claims 14, 20, and 22. Claim 8 is as follows:

8. A method in a data processing system for processing a multimedia program, the method comprising:

decoding the multimedia program to form decoded multimedia program data;

analyzing a portion of the multimedia program data;

determining whether readability of a subtitle in the portion of the multimedia program data needs improvement; and

responsive to the readability of the subtitle in the portion of the multimedia program data needing improvement, performing color correction on a part of the multimedia program data containing the subtitle to improve readability of the subtitle.

*Safadi* does not anticipate claim 8 because *Safadi* does not teach every element of the claimed invention. For example, *Safadi* does not teach the feature "determining whether readability of a subtitle in the portion of the multimedia program data needs improvement" as recited in claim 8. The Examiner errs in asserting otherwise. In doing so, the Examiner cites to the following portion of *Safadi*:

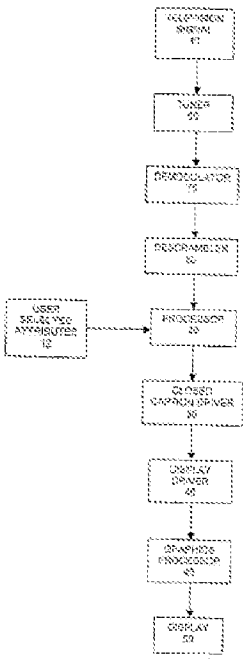

FIG. 2

FIG. 4 shows an example of a menu box for entering the user selected advanced closed caption attributes; and

FIG. 5 shows a further example of a menu box for entering additional user selected advanced closed caption attributes.

...

The user selected attributes 12 may include font size, font type, font color, caption window position, caption window size, print direction, scroll direction, scroll rate, text opacity, background opacity, text justification left, text justification right, text justification center, background color, and the like.

*Safadi*, Figure 2; column 2, lines 46-53; and column 4, lines 18-23.

*Safadi*'s Figure 2 illustrates the path of a television signal. The signal is received through a tuner and then demodulated. If the signal is scrambled, the signal is descrambled prior to the extracting of the closed caption information. The signal and the user selected closed caption attributes are provided to a processor. The user selected attributes are applied to at least a portion of the extracted closed caption information by a closed caption driver. A display driver provides the closed caption information with user selected attributes to a graphics processor. The graphics processor provides the closed caption information with the user selected attributes applied thereto to a display device.

At no point in Figure 2 is a determination made in regards to whether readability of a subtitle in the portion of the multimedia program data needs improvement. The closed caption driver simply applies the user selected attributes to at least a portion of the extracted closed caption information. Therefore, *Safadi* does not teach the feature "determining whether readability of a subtitle in the portion of the multimedia program data needs improvement" as recited in claim 8.

In addition, because *Safadi* does not make a determination in regards to whether readability of a subtitle in the portion of the multimedia program data needs improvement prior to the closed caption driver applying the user selected attributes, *Safadi* also does not teach the feature "responsive to the readability of the subtitle in the portion of the multimedia program data needing improvement, performing color correction on a part of the multimedia program data containing the subtitle to improve readability of the subtitle" as recited in claim 8.

Furthermore, *Safadi* does not teach that the user selected attributes improves the readability of the subtitles as recited in claim 8. As stated above, *Safadi*'s Figure 4 shows an example of a menu box for entering the user selected advanced closed caption attributes. The illustrated menu box allows the user to change the opacity of the caption text. For example, a user may choose to have translucent text. However, applying the user attribute for translucent text does not improve the readability of the text. In contrast, translucent text would probably reduce the readability of the text. Therefore, *Safadi* does not teach or suggest the recited features of claim 8.

Because claims 14, 20, and 22 recite similar limitations as presented in claim 8, the same distinctions between *Safadi* and the claimed invention in claim 8 exists for these claims. Consequently, Applicants respectfully urge that the rejection of claims 8, 14, 20 and 22 under 35 U.S.C. § 102 has been overcome.

## III. 35 U.S.C. § 103, Obviousness, Claim 2

The Examiner rejects claim 2 under 35 U.S.C. § 103 as obvious over *Lapierre* in view of *Devara et al.*, Apparatus and Method of Program Classification Using Observed Cues in the Transcript Information, U.S. Publication No. 2002/0078452 (hereinafter "*Devara*"). This rejection is respectfully traversed. The Examiner states:

> With respect to claim 2, Lapierre teaches a system of identifying text in subtitles, analyzing this text, selecting, and altering a corresponding portion of video and/or audio. However, Lapierre does not specifically disclose that the text is identified by performing optical character recognition (OCR) on the subtitles. The Devara reference teaches that a program can be classified according to the identification of cues in the transcript information provided with the program and that the text can be generated from the transcript information via OCR (see the Abstract and par. 0019). It would have been obvious to one of ordinary skill in the ark to have combined the Lapierre reference as described above with the additional teachings of the Devara et al reference since both of them teach the use of subtitles in the identification of specific program criteria. One of ordinary skill in the art would have been led to make such a combination for the advantages given above.

Office Action dated September 19, 2007, pages 7-8.

The Examiner bears the burden of establishing a *prima facie* case of obviousness based on the prior art when rejecting claims under 35 U.S.C. §103. *In re Fritch*, 972 F.2d 1260, 23 U.S.P.Q.2d 1780 (Fed. Cir. 1992). Additionally, all limitations of the claimed invention must be considered when determining patentability. *In re Lowry*, 32 F.3d 1579, 1582, 32 U.S.P.Q.2d 1031, 1034 (Fed. Cir. 1994). Therefore, no *prima facie* obviousness rejection can be established if the proposed combination does not teach all of the features of the claimed invention. Furthermore, if an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

No *prima facie* obviousness rejection can be stated because neither reference, alone or in combination, teaches all of the features of amended claim 1 from which claim 2 depends. Applicants have shown that *Lapierre* does not teach or suggest all of the features of amended claim 1. In particular *Lapierre* does not teach or suggest the features of, "analyzing the set of text to obtain a rating," and "identifying a portion of the multimedia program data that should be altered based on the rating to form an identified portion," as recited in amended claim 1.

*Devara* also does not teach the above recited features of amended claim 1. *Devara* teaches a method which classifies the type of program based on observed cues in transcript information provided with the program signal (*Devara*, paragraph 0005). However, *Devara*, similar to *Lapierre*, specifically teaches away from the use of a rating system as recited in amended claim 1. *Devara* states, "it is another object of the present invention to provide a method which classifies the type of program without using

electronic programming guide (EPG) data" (*Devara*, paragraph 0006). Thus, the combination of *Lapierre* and *Devara* does not teach or suggest all of the features of amended claim 1. Accordingly, no *prima facie* obviousness rejection can be stated against claim 1. Because claim 2 depends from claim 1, no *prima facie* obviousness rejection can be stated against claim 2. Therefore, the rejection of claim 2 under 35 U.S.C. § 103 has been overcome.

## IV. 35 U.S.C. § 103, Obviousness, Claims 4, 6, 17 and 19

The Examiner rejects claims 4, 6, 17 and 19 under 35 U.S.C. § 103 as obvious over *Lapierre* in view of *Li et al.*, System and Method for Retrieving Information Related to Persons in Video Programs, U.S. Publication No. 2003/0107592 (hereinafter "*Li*"). This rejection is respectfully traversed. The Examiner states:

> With respect to claim 4, the claimed "performing baysean filtering on a set of text" is not explicitly taught by the Lapierre reference. The Lapierre reference teaches a system of identifying text in subtitles, analyzing this text, selecting, and altering a corresponding portion of the video and/or audio. However, Lapierre does not specifically disclose that the text is analyzed by performing Bayesian filtering on it. The Li et al. reference teaches the use of video, audio and transcript information to detect specific people in a multimedia program (see Abstract and par. 0008). Furthermore, the Li et al teaches the analysis of these components by the use of processor 27 implementing Bayesian software (par. 0038). Therefore, it would have been obvious to an person of ordinary skill in the art at the time the invention to have combined the Lapierre reference as described above with the teachings of the Li et al reference in order to allow for additional subtitle analysis options.

Office Action dated September 19, 2007, pages 8-9.

No *prima facie* obviousness rejection can be stated because neither reference, alone or in combination, teaches all of the features of amended claims 1, 9, and 15 from which claims 4, 6, 17 and 19 depends. Applicants have shown that *Lapierre* does not teach or suggest all of the features of amended claim 1.

*Li* also does not teach the features of, "analyzing the set of text to obtain a rating," and "identifying a portion of the multimedia program data that should be altered based on the rating to form an identified portion," as recited in amended claim 1. *Li* is directed towards a, "system and method for permitting a user to create a targeted request for information, which request is processed by a computing device having access to multiple information sources to retrieve information related to the subject of the request" (*Li*, paragraph 0006). As stated by the Examiner, *Li* also teaches the use of video, audio and transcript information to detect specific people in a multimedia program. However, *Li*'s disclosure is completely distinct from the presently claimed invention and is devoid of any teachings or suggestions in regards to the amended features of claim 1. Accordingly, no *prima facie* obviousness rejection can be

stated against claims 1, 9, and 15. Because claims 4, 6, 17 and 19 depend from claims 1, 9, and 15, respectively, no *prima facie* obviousness rejection can be stated against these claims. Therefore, the rejection of claims 4, 6, 17 and 19 under 35 U.S.C. § 103 has been overcome.

## V. Conclusion

The subject application is patentable over the cited references and should now be in condition for allowance. The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

DATE: December 7, 2007

Respectfully submitted,

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